

Claims 1 to 5 stand rejected under 35 USC 103(a) as being unpatentable over Winston in view of Burt US 1,718,997. This same prior art was considered by the Examiner in the parent application, wherein the Examiner concluded that the method claims were novel and non-obvious over this prior art. Referring more specifically to the prior art, the Winton reference simply describes the conventional composition of cheese and milk products. However, this reference does not teach or suggest a molded food product of the structure defined in the claims.

The Burt reference discloses frozen confections, such as popsicles, and discloses that these products can have a coating. However, there is no disclosure or suggestion of molded creamy or crumbly cheese products or of a non-frozen milk product as claimed. The cheese and non frozen milk products claimed by applicants are obviously not frozen dairy products. Clearly, the Burt products are maintained in a frozen state rather than a non-frozen state

Nothing in the Winton and Burt references would provide a motivation for persons skilled in the art to produce a molded product formed from cheese or non-frozen milk products.

Applicants have provided a process that renders a food product formed from cheese or non-frozen milk products moldable, namely the product can be molded into a predetermined dimensional shape, which allows, after the product has been unmolded, to apply a coating that imparts to it mechanical strength and/or non-stick properties.

Since the product of the present invention was not manufacturable with prior art techniques, but only with the process that is described in the present application and its parent, which is patented as U.S. Patent No. 6,821,544 as noted above, an obviousness rejection based on the combined teachings of Winston and Burt is clearly improper. The process taught by Burt cannot lead to the claimed product.

For these reasons, claims 1 to 5 are patentable over the prior art. Reconsideration by the Examiner and withdrawal of the rejection are solicited.

Appl. No.: 10/774,879
Amdt. dated May 21, 2007
Reply to Office Action of January 23, 2007

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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